

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF WASHINGTON

3
4 LARRY I. NEWKIRK, and RUTH A.
NEWKIRK,

5 Plaintiffs,

No. CV-08-0273-FVS

6 v.

7 ORDER

8 CONAGRA FOODS, INC., a Delaware
9 Corporation, et al.,

10 Defendants.

11
12 **THIS MATTER** having come before the Court based upon the parties'
13 stipulated request for the dismissal of Plaintiffs' Count IV, only,
14 of their Complaint (Ct. Rec. 45); Now, therefore

15 **IT IS HEREBY ORDERED:**

16 1. Plaintiffs' Count IV of their Complaint is **DISMISSED without**
17 **prejudice.**

18 2. Defendant Givaudan Flavors Corporation's Motion to Dismiss
19 (**Ct. Rec. 35**) is **DENIED as moot.**

20 **IT IS SO ORDERED.** The District Court Executive is hereby
21 directed to enter this order and furnish copies to counsel.

22 **DATED** this 22nd day of October, 2008.

23
24 s/ Fred Van Sickle
25 Fred Van Sickle
26 Senior United States District Judge